

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:24-cv-22281-LEIBOWITZ/GOODMAN

TUSHBABY, INC.,

Plaintiff,

v.


DCUTIE,

Defendant.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for Leave to File Second Amended Complaint (the "Motion") [ECF No. 28], filed on September 18, 2024. "Plaintiff seeks leave to amend to assert an additional claim for trade dress infringement based on Tushbaby's recent federal trade dress registration with the U.S. Patent and Trademark Office." [*Id.* at 1]. Federal Rule of Civil Procedure 15 allows amendment of a pleading "only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Defendant DCUTIE has not yet appeared in this litigation and thus will not be prejudiced by the filing of an amended complaint. Accordingly, it is hereby **ORDERED AND ADJUDGED** that the Motion [ECF No. 28] is **GRANTED**. Plaintiff may file a Second Amended Complaint **no later than Friday, September 27, 2024**.

DONE AND ORDERED in the Southern District of Florida on September 19, 2024.


DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record